YOUR NAME J.C.G. O'Halloran
YOUR ADDRESS 826 Orange Ave #299
YOUR TELEPHONE NUMBER Coronado, California 92118

FILED
2008 JUL 22 PM 2:20
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY VNH DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA
(Must start on line 8 or below)

Joy-Charity G. O'Halloran, Ph.D. LT, CHC, USN Plaintiff -v- Donald C. Winter, Secretary of the Navy; Gary Roughead, ADM, CNO; Adam M. Robinson, VADM, BUMED; Christine S. Hunter, RADM, NMCSD, and subordinates Defendants	Case No. '08 CV 1319 JAH NLS (To be assigned at time of filing) COMPLAINT FOR (Brief description of document) Immediate Injunction to Stop Unlawful Violation of Federal Laws

Plaintiff alleges:

The plaintiff requests that the defendants be required, by a federal court issued injunction, to cease and desist from knowingly violating federal laws, which include:

1. The flagrant, systematic, and repetitive violations of 18 U.S.C. §§ 1519 et. seq. which forbids the destruction, alteration, and falsification of the plaintiff's personnel and medical records to conceal grotesque medical negligence and malpractice, concerning the plaintiff's employment and health care, involving multiple military medical treatment facilities from 2003-present.

2. Cease and desist in violating the plaintiff's federal rights as a member of the U.S. Armed Forces who has clearly, repeatedly, and lawfully demanded verbally, by official forms, and official letters to consisting of no less than ten lawful communications under federal law. The federal law states unambiguously that: "No member of the armed forces may be retired or separated for physical disability without a full and fair hearing if he demands it." 10 U.S.C. §1214. Retirement and separation orders were issued to coincide simultaneously and immediately upon the plaintiff's return from authorized leave. If it please the court, please require that all Defense and Navy Department directives and instructions be followed, by the defendants, and their subordinates, with reference to all medical and physical disability processes, including the funding of expert second and third medical opinions, and adhering to all required time frames and timely reimbursements.

3. To cease and desist from knowingly violating federal U.S. Armed Forces "whistle blower" laws for disclosing hundreds of errors and record falsifications and the subsequent campaign of official and unlawful discriminatory retaliation and reprisal in violation of 05 U.S.C. §1212 10 U.S.C. §§1034, 38 U.S.C. §4311 et. seq., and plaintiff's 42 U.S.C. §2003 -"Civil Rights."

Joy-Charity O'Halloran 21 JULY 2008 @1515 PDT

CR

21 July 2008

To: The United States District Court Southern District of California

Subj: PLEADING: EMERGENCY INJUNCTION TO STOP SEPARATION

Ref: (a) 10 U.S.C. § 1214 Right to Demand Full and Fair Formal Board
(b) 18 U.S.C. §§ 1519 et. seq. Destruction, Alteration, Falsification of Records

Att: (1) Exhibit A - Unlawful Separation Orders (3 pages)
(2) Exhibit B - Authorized Leave (1page)
(3) Exhibit C – Demand Formal Hearing Letter (1 page)
(4) Exhibit D – Physical Evaluation Board Demand Form (1 page)
(5) Exhibit E – Special Prosecutor Appointment Request (1 page)

1. If it pleases the Court, issue an injunction to stop the unlawful requirement that I execute military separation orders which violates my civil rights. The federal law states unambiguously that: "No member of the armed forces may be retired or separated for physical disability without a full and fair hearing if he demands it." 10 U.S.C. §1214.

2. The intent of the immediate separation orders is part of a systematic violation of my human, constitutional and civil rights in reprisal for seeking remedies and relief for grotesque administrative and medical negligence and malpractice.

3. Immediate separation orders are in further obstructing justice and to prevent the discovery of the systematic, organized, and criminal violations of 18 U.S.C. § 1519 with regard to the falsification of official records in further suppressing the magnitude of the abuses suffered by wounded warriors in the physical disability processes.

4. Thank you for your personal sacrifices and professional investment in service to our nation and in advance for helping this service member.

Very respectfully,

21 JUL 08

Joy-Charity G. O'Halloran, Ph.D.
LT, CHC, USN

Orders Text

Orders Text
Current Orders on File

RTTUZYUW RUCCBWF0052 1712332-UUUU--RHMCSUU.
ZNR UUUUU
R 191051Z JUN 08 ZYB
FM COMNAVPERSCOM MILLINGTON TN//PERS27/PERS455//
TO NAVMEDCEN SAN DIEGO CA//JJJ//
BUPERS MILLINGTON TN//JJJ//
DFAS CLEVELAND OH//JJJ//
PERSUPP DET BALBOA CA//JJJ//
INFO BUMED WASHINGTON DC//JJJ//
COMNAVCRUITCOM MILLINGTON TN//JJJ//
BT
UNCLAS FOUO//N01811//
MSGID/GENADMIN/COMNAVPERSCOM//
SUBJ/BUPERS ORDER//
RMKS/
BUPERS ORDER: 1718 XXX-XX-3162/4100 (PERS-271)
OFFICIAL RETIREMENT ORDERS FOR
LT JOY CHARITY GRACE OHALLORAN, CHC USN
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
IN CARRYING OUT/PROCESSING THESE ORDERS, BOTH PARTS ONE AND TWO
MUST BE READ AND LISTED INSTRUCTIONS COMPLIED WITH.
. FOR OFFICIAL USE ONLY
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
P A R T O N E
- ON 25 JUL 2008 YOU WILL BE TRANSFERRED TO THE TEMPORARY
DISABILITY RETIRED LIST (040) WITH GRADE LT AND WITH
RETIRED PAY 3 (O-3 /), PURSUANT TO PROVISIONS OF 10 U.S.C.
SEC. 1202.
------- DETACHING ACTIVITY (M) -------
WHEN DIRECTED BY REPORTING SENIOR, DETACH IN JUL 08 EDD: JUL 08
FROM NAVMEDCEN SAN DIEGO CA UIC: 00259
PERMANENT DUTY STATION CA, SAN DIEGO
FROM LIMITED DUTY ACC: 105
PERSONNEL ACCOUNTING SUPPORT: PSD BALBOA
UIC: 68555
- PROCEED TO HOME OF SELECTION. REGARD RELIEVED OF ALL ACTIVE DUTY
EFFECTIVE AT 2400 ON DATE OF DETACHMENT.
- REPORTING SENIOR DIRECTED TO DETACH MEMBER IN TIME TO PROCEED
AND REPORT ON 24 JUL 2008 AT FOLLOWING STATION.
------- ACCOUNTING DATA -------
MAC CIC: 3N5G8XXXX431620
CIC: AE5G81EV
PCS ACCOUNTING DATA:
N568 1781453.2254 T 068566 AE 5G8/1/E/V 5G8XXXX43162
P A R T T W O
BUPERS ORDER: 1718 XXX-XX-3162/4100 (PERS-271)
OFFICIAL RETIREMENT ORDERS FOR
LT JOY CHARITY GRACE OHALLORAN, CHC USN
------- DETACHING ACTIVITY (M) -------
- ENSURE MEMBER SIGNS THE FOLLOWING ADMINISTRATIVE REMARKS (NAVPERS
1070/613) ENTRY: "I AM AWARE OF THE REQUIREMENT TO RECEIVE A
PERIODIC PHYSICAL EVALUATION EVERY EIGHTEEN MONTHS WHILE ON THE
TEMPORARY DISABILITY RETIRED LIST. UNDER 10 U.S.C. SEC 1210 PAY
AND BENEFITS WILL BE STOPPED IF I FAIL TO REPORT FOR PERIODIC
EXAMINATIONS AND MY PAY WILL STOP WITHOUT NOTICE FIVE YEARS AFTER
BEING PLACED ON THE TEMPORARY DISABILITY RETIRED LIST. THESE
RESPONSIBILITIES DON'T CHANGE EVEN THOUGH RECEIVING VETERAN'S

EXHIBIT A (PAGE 1 OF 3)

Orders Text

ADMINISTRATION TREATMENT OR BENEFITS. I AM REQUIRED TO KEEP NAVY FINANCE CENTER, CLEVELAND, OH (00034) AND NAVAL RESERVE PERSONNEL CENTER, NEW ORLEANS, LA (68327) INFORMED OF MY CURRENT ADDRESS. FAILURE TO DO SO MAY RESULT IN LOSS OF PAY AND BENEFITS IF ANYONE IS UNABLE TO CONTACT ME AT THAT ADDRESS."

- BRIEF MEMBER RIGHTS UNDER BUPERSINST 1750.1 (SERIES) PRIOR RETIREMENT.
- PERMANENT CHANGE OF STATION (PCS) TRAVEL INFORMATION DETAILS: PER BUPERSINST 7041 (SERIES): TRANSFERRING COMMANDS PASS/PERSONNEL SERVICING OFFICES ARE RESPONSIBLE FOR ENSURING MEMBERS FULLY COMPLETE THE PCS TRAVEL INFORMATION FORM (NAVPERS 7041/1) WITHIN 3 DAYS OF TRANSFER. COMMANDS USING NSIPS WEB SHOULD DIRECT MEMBER TO CREATE AND THEN USE THEIR OWN SELF SERVICE ACCOUNT TO COMPLETE AND SUBMIT THE 7041/1 ON-LINE. INSTRUCTIONS TO CREATE A SELF SERVICE ESR (ELECTRONIC SERVICE RECORD) ACCOUNT ARE LOCATED ON THE NSIPS SPLASH SCREEN, HTTPS://NSIPS.NMCI.NAVY.MIL/ (UNDER 'USER INFORMATION'). MEMBER SHOULD LOGON TO THEIR ESR ACCOUNT, THEN DOUBLE-CLICK THE 'UPDATE PCS TRAVEL' ICON ON THEIR HOMEPAGE TO ACCESS THE AUTOMATED NAVPERS 7041 TRAVEL INFORMATION FORM. FOR CONVENIENCE, THERE IS AN 'AUTO-FILL' FEATURE WHICH AUTOMATICALLY COMPLETES THE PCS ITINERARY FROM THE MEMBER'S CURRENT ACTIVE ORDERS. MEMBER NEED ONLY COMPLETE OR ADJUST PCS DETAILS SPECIFIC TO DEPENDENT TRAVEL, HOUSEHOLD GOODS WEIGHTS AND/OR POV SHIPMENTS. COMMANDS PASS/PERSONNEL SERVICING OFFICES NOT USING NSIPS WEB SHOULD PROVIDE THE NAVPERS 7041/1 FORM TO MEMBER, AND UPON MEMBER'S COMPLETION, VERIFY THEN MAIL TO: DIRECTOR, PERMANENT CHANGE STATION VARIANCE COMPONENT, 1240 EAST 9TH STREET, SUITE 967, CLEVELAND OH 44199-2088.
- DETACHING COMMAND: IF TRANSOCEANIC TRAVEL WILL BE PERFORMED BY MEMBER, PORT CALL ASSIGNED BY THE NAVY PASSENGER TRANSPORTATION OFFICE WILL CANCEL THE REPORT NOT LATER THAN DATE, AT RECEIVING COMMAND, AND SHALL CONSTITUTE THE SPECIFIC DATE MEMBER IS TO REPORT FOR TRANSPORTATION. IF THIS IS AN ORDER MODIFICATION, CANCELLATION OR MODIFICATION OF PORT CALL MAY BE REQUIRED. IF SO, IMMEDIATELY CONTACT SERVICING NPTO. OPNAVINST 4650.15 SERIES REFERS.
- COMPLY WITH MILPERSMAN 1320-110 REGARDING TRAVEL TIME AUTHORIZED IN EXECUTION OF THESE ORDERS.

------- SPECIAL INSTRUCTIONS -------

- MEMBER ADVISED: SHIPPING HHG? HAVE MOVE QUESTIONS? WANT TO MAKE A DIFFERENCE? NEED ASSISTANCE WITH UTILITIES? NOW YOU CAN PROCESS YOUR HHG SHIPMENT APPLICATION AND RECEIVE COUNSELING ON LINE AT YOUR CONVENIENCE AT: WWW.SMARTWEBMOVE.NAVSUP.NAVY.MIL. CONTACT TRANSPORTATION SPECIALIST TO ANSWER QUESTIONS AND PROVIDE GUIDANCE CONCERNING YOUR HHG SHIPMENT MONDAY THROUGH FRIDAY 0800-1700 EASTERN TIME AT 800-444-7789 OR BY EMAIL AT WWW.NVTRNSHHGHELPLINE@NAVY.MIL. COMPLETE A CUSTOMER SATISFACTION SURVEY AT THE END OF YOUR MOVE AT: HTTPS://ICSS.ETA.SDDC.ARMY.MIL BECAUSE PERFORMANCE VICE LOWEST COST DRIVES WHICH TRANSPORTATION SERVICE PROVIDER WILL MOVE YOUR PROPERTY IN THE FUTURE. TO SET UP ESSENTIAL UTILITIES AND SERVICES FOR YOUR NEW HOME ANYWHERE IN CONUS AND HAWAII USE THE FREE ON-LINE NEX MOVING CENTER AT: WWW.NAVY-NEX.COM.
- WHEN PCSING, AN EXCELLENT AND VERY USEFUL SOURCE OF INFORMATION IS THE NAVY AND MARINE CORPS LIFELINES SERVICES NETWORK (LSN) AVAILABLE ON THE INTERNET AT HTTP://WWW.LIFELINES.NAVY.MIL. YOU'LL FIND TIPS ON MOVING YOUR HOUSEHOLD GOODS OR SHIPPING YOUR CAR, INFORMATION ON YOUR NEW DUTY STATION, HOW TO STAY CONNECTED WITH FAMILIES, MOVING PETS, HOW TO FIND HOUSING AT YOUR NEW DUTY STATION, AND A WEALTH OF RELOCATION AND SUPPORT RESOURCES FOR YOU AND YOUR FAMILY.
- COMMANDING OFFICER: ENSURE SERVICEMEMBER COMPLETES ARGUS QUESTIONNAIRE (AS REQUIRED BY OPNAV 1040.10) PRIOR TO EXECUTION OF ORDERS. WEBSITE: HTTPS://WWW.BOL.NAVY.MIL
- EFFECTIVE UPON BEING TRANSFERRED TO RETIRED LIST YOUR DESIGNATOR IS CHANGED TO 4103.
- DFAS-CLEVELAND CENTER, CLEVELAND PASS ONE COPY TO CODE JJSK(C) AND

EXHIBIT A (PAGE 2 OF 3)

Orders Text

ONE COPY TO CODE JYDD.
- DFAS-CLEVELAND CENTER, CLEVELAND PASS COPY TO CODE JR.
- THE SURVIVOR BENEFIT PLAN (SBP) IS A WAY TO PROVIDE AN ANNUITY FOR YOUR FAMILY MEMBERS. RETIREMENT IS YOUR ONLY CHANCE TO ELECT THIS IMPORTANT BENEFIT. YOUR DECISION NOT TO PARTICIPATE IS IRREVOCABLE, EXCEPT THAT NEW PARTICIPANTS HAVE AN OPPORTUNITY TO DISENROLL BETWEEN THEIR 2ND AND 3RD YEAR ANNIVERSARY. CONSULT YOUR CAREER COUNSELOR ABOUT THE SBP OPTIONS.
- YOUR DEDICATED SERVICE TO THE NAVY AND YOUR COUNTRY IS DEEPLY APPRECIATED. MAY YOU ENJOY EVERY SUCCESS AND HAPPINESS IN THE FUTURE.

N08
(SIGNED)
E. MASSO,
REAR ADMIRAL, U. S. NAVY
COMMANDER NAVY PERSONNEL COMMAND
PERS27 , PERS82 , PERS4415
BT
#0052

EXHIBIT A (PAGE 3 OF 3)

LEAVE REQUEST/AUTHORIZATION
NAVCOMPT FORM 3065 (3PT) (REV. 2-83)

INSTRUCTIONS FOR COMPLETING THIS FORM ARE ON THE REVERSE OF PART 3.

SEE REVERSE FOR PRIVACY ACT STATEMENT

1. DATE OF REQUEST 061708	2. FOR ADMIN. USE ONLY APPROVAL OF THIS LEAVE IS NOT VALID WITHOUT CONTROL NO. — LEAVE CONTROL NO.	B38 1257
3. SSN 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	4. NAME (Last,First,MI) O'HALLORAN, JOYCHARITY	5. PAY GRADE 0-3

6. SHIP/STATION NAVMEDCEN, SAN DIEGO CA	7. DEPT/DIV MAT MGMT	8. DUTY SECTION	9. DUTY PHONE (532) 8110

10. TYPE LEAVE
☒ REGULAR ☐ SICK ☐ EMERGENCY
☐ SEPARATION ☐ RETIREMENT ☐ OTHER:____

FOR USE OUTUS ONLY
11a. Leaving Area of PERMDUTYSTA ☐ YES ☐ NO
11b. Taking Leave INCONUS ☐ YES ☐ NO

12. MODE OF TRAVEL
☒ AIR ☐ BUS
☒ CAR ☐ TRAIN

13. DAYS REQUESTED 30	14. FROM (Hour, Date)(YYMMDD) 1600 080624	15. TO (Hour, Date) (YYMMDD) 0700 080725
17. LEAVE BALANCE 80DAYS AS OF JUN08	18. LEAVE USED THIS FY 10	19. LEAVE PHONE (794)3431

16. NORMAL WORKING HOURS
DAY OF DEPARTURE:
FROM: 0700 TO: 1600
DAY OF RETURN:
FROM: 0700 TO: 1600

20. LEAVE ADDRESS
826 ORANGE AVENUE #209
CORONADO, CA 92118
OHALLORANJC@HOTMAIL.COM

21. RATION STATUS (Enlisted)
☐ COMMUTED RATIONS(COMRATS)
Meal Pass No. ________
☐ Entitled to EDF meals except During periods of leave

I CERTIFY THAT I HAVE SUFFICIENT FUNDS TO COVER THE COST OF ROUND TRIP TRAVEL. I UNDERSTAND THAT SHOULD ANY PORTION OF THIS LEAVE, IF APPROVED, RESULT IN MY TAKING MORE LEAVE THAN I CAN EARN ON MY CURRENT UNEXTENDED ENLISTMENT OR CURRENT ACTIVE DUTY OBLIGATION, MY PAY WILL BE CHECKED FOR SUCH EXCESS LEAVE.

22. SIGNATURE OF APPLICANT
JCOHalloran 18JUN

RECOMMENDED			
☐ YES	☐ NO	LT Z. T. Abouna MSC, USN	DATE
☐ YES	☐ NO		DATE
☐ YES	☐ NO		DATE
☐ YES	☐ NO		DATE
23. APPROVED ☒	DISAPPROVED ☐	REVIEWING OFFICER'S SIGNATURE LT Z. T. Abouna MSC, USN ACTING	DATE 19 June 2008

24. COMMENTS/REMARKS

25. SHIP OR STATION (Including telegraphic address)	26. REPORT ON EXPIRATION OF LEAVE TO (If other than block 25)

DEPARTED ON LEAVE		RETURNED FROM LEAVE		GRANTED EXTENSION OF LEAVE ENDING	
27a. HOUR	27b. DATE (YYMMDD)	28a. HOUR	28b. DATE (YYMMDD)	29a. HOUR	29b. DATE (YYMMDD)
27c. OOD'S SIGNATURE		28c. OOD'S SIGNATURE		29c. AUTHORIZING OFFICER'S SIGNATURE	

IN CONSIDERATION OF THE MEMBER'S COMPLETION OF A FULL WORKDAY (AS DEFINED IN MILPERSMAN, NAVPERS 15560) ON THE DAYS OF DEPARTURE AND RETURN, THE INCLUSIVE DAYS SHOWN ARE CORRECT AND PROPER FOR CHARGING AS LEAVE

30. INCLUSIVE LEAVE PERIOD TO BE CHARGED — FIRST: (YY) (MM) (DD) — LAST: (YY) (MM) (DD) — 31. NO. OF DAYS

I CERTIFY THAT THE ABOVE IS CORRECT AND PROPER TO THE BEST OF MY KNOWLEDGE.	32. CERTIFYING OFFICER'S TYPED NAME/RANK/TITLE	33. CERTIFYING OFFICER'S SIGNATURE

EXHIBIT B

FORWARD THIS COPY TO PERSONNEL OFFICE VIA COMMAND ONLY ON COMPLETION OF LEAVE.

30 Apr 2008
2308 PDT

From: LT, USN, Staff Officer, NMCSD
To: CDR, USN, Medical Officer, NCPB
Col., USMC, Line Officer, NCPB
Col., USMCR, Line Officer, NCPB
PEB +2026856627 T-405 F-906
PEB SCORB 202-685-6628 T-363 F-387

Subj: **FORMAL PHYSICAL EVALUATION BOARD (PEB) DEMAND**
REF # F208nm02168 – 22 April 2008:1040 EDT T-109 P.001/001 F-879

Ref: (a) **PEB Findings TDRL Counseling Date: 22 APR 08:0840**
(b) Health Insurance Portability and Accountability Act of 1996 (HIPAA)
(c) Findings of the Physical Evaluation Board Proceedings Ref. #F208nm02168

1. **FORMAL PEB DEMAND.** Communicate DIRECTLY with me.

2. The lack of honor, courage, and commitment implied in the anonymity of the "Board Membership" reflects shame and deception. Military officers are PUBLIC not private officials. Commanding Officers of our dead are brave enough to sign their names informing the families of their loss. Please tell me cowards aren't hiding under brass disgracing our Nation's uniforms.

3. "The Board" convened on 26 March 2008, 02 April, or 09 April 2008? The documents I received on **22 April 2008@0840 PDT** from the NMCSD PEBLO with whom you are not authorized, in my case, to liaise with, and from whom I have 4 different and unique spellings of my name, with reports of "Board dates as 26 March, 2 April, 9 April, and 18 April 2008 in the same documents. I spell clowns with a "C."

4. Since there is no discernable integrity or accuracy in any of these "proceedings." Consider yourselves informed by this **FORMAL PEB DEMAND**.

5. I would submit a "reconsideration" at 100% Permanent Disability Retired List, however, that would require that I use what I know to be falsified records. My attorneys possess the proof for the U.S. Attorney General/Department of Justice of falsified administrative and medical records intent on concealing grotesque negligence, breaches of the duty, and medical malpractice. The AG will secure prosecutions and we will recover FTCA damages. We'll let the Washington Post publish what govern-mental mis-managed health (sic) could-care-less REALLY will mean to the naïve public.

Date 30APR08	# of pages ▶ 1
From O'HALLORAN	
Co. PERSONAL FAX	
Phone 8587311984	
Fax 8587311984	

With all due respect,

[signature] 30APR08

Joy-Charity G. O'Halloran, Ph.D.
(LT, CHC, USN)

EXHIBIT C

[redacted] 22APR08

Joy-Charity G. O'Halloran

From: ~~LT Joy-Charity G. O'Hallora~~ 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 NMC SAN DIEGO ~~CA~~
To: President, Physical Evaluation Board LT CHC USN

Subj: **ELECTION OF OPTIONS FOR UNFIT FOR CONTINUED NAVAL SERVICE**

Ref: (a) SECNAVINST 1850.4E

1. I have been informed that the PEB finding in my case is UNFIT FOR CONTINUED NAVAL SERVICE, ~~rated at 40~~ %. I have been counseled as to ~~my options.~~ ~~I understand~~ the options and make the following election in accordance with section 4213-4215 of reference (a).

2. Select below by initialing your selection.

Preliminary Findings

a. ~~_____ I Accept. I waive my right to submit new or additional information or to demand a formal hearing. I request my separation/retirement date be _____ (Navy only: Minimum 30 days from today's date, maximum 90 days. Marines only: Separation date will be within 2-6 weeks from today's date).~~

b. ~~_____ I Accept. I waive my right to submit new or additional information or to demand a formal hearing. I intend to request to remain on active duty in a Permanent Limited Duty (PLD) status until _____. I understand that this request must be forwarded with justification and an endorsement from my command by _____, which is fifteen (15) calendar days from the date of any acceptance of findings. I further understand that my PLD request should be submitted directly to COMNAVPERSCOM (PERS-4821) or CMC (MMSR-4) as appropriate.~~

c. ~~_____ I request Reconsideration. (See attached Reconsideration Request form.)~~

d. _____ I Demand a Formal PEB. ~~Option (a) and (b) will continue to be considered at any time prior to the start of the Formal PEB proceedings.~~

YES. I DEMAND A FORMAL PEB.

[signature] 30 APR 08 2308 PDT

(Revised Aug 2004)

EXHIBIT D

A CITIZEN OF THE
UNITED STATES OF AMERICA

A RESIDENT OF THE
STATE OF NEVADA

Independence Day, 04 July 2008

The Honorable George W. Bush, Commander-in-Chief
The U.S. Armed Forces
The White House
Washington, DC, USA

Dear Mr. President,

Thank you for your courageous global leadership and open support for the U.S. Armed Forces.

I share your dream for the transformation of military medical services and the military disability processes urgently needed before the future Walter Reed National Medical Center is completed.

Please prayerfully consider using your ceremonial shovel to bury the disease infested rotten corpse of the military medical disability system, but only after the medical inspectors general.

I've been an unwilling hostage held in the military disability process for several years. The negligence, dereliction and medical malpractice have now been compounded by fraudulent falsifications of administrative and medical records worthy of Racketeer-Influenced and Corrupt Organization (RICO) prosecutions, by a Special Prosecutor, with Department of Justice assets.

Investigators and journalists surveying the internally inconsistent military medical official statements, posted online, will recognize these artful fictions penned for public and congressional consumption. RICO should be applied to military and medical executives in the same manner as to tobacco industry executives for their organized obstructions intended to avoid adverse liability judgments and adverse publicity. Sovereign immunity dissolves with unlawful official abuses.

As a former medical staffer who is both alive due to and despite military medicine, suffering willful medical negligence and grotesque malpractice are insignificant in comparison to defending my country's Constitution, all while enduring reprisal, retaliation and retribution, which now includes the violation of my human, constitutional, and civil rights. I'm convinced that the Department of Defense IG, BUPERS, and BUMED are now harboring, accessories and complicit. I've asked for federal witness and whistle blower protections. My right to a formal disability hearing obstructed.

May your legacy to our nation include Chief-Champion of the military medically disabled veterans.

With deepest admiration and profound respect,

J. C. G. O'Halloran, Ph.D.
Chaplain Corps, U. S. Navy

Privileged Communications:
1- Executive Summary
2- Chronological Malpractice Accountability Matrix
3- Appeals for Remedy and Inspectors General Documents

EXHIBIT E

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED
2008 JUL 22 PM 2:20
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KAH DEPUTY

I. (a) PLAINTIFFS

Joy-Charity G. O'Halloran, Ph.D.
LT, CHC, USN

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

Donald C. Winter, Secretary of the Navy; Adam M. Robinson, VADM, BUMED; Christine S. Hunter, RADM, NMCSD

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'08 CV 1319 JAH NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	~~☒ 2~~	~~☒ 2~~	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☒ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
10 U.S.C. §1214;

Brief description of cause:
Members of the U.S. Armed Forces have a right to full and fair disability hearing if demanded.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE 22JULY2008 SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

CR

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 153222 - TC
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July 22, 2008
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